

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

DEC - 1 2011

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERKUnited States of America  
v.  
CLYDE HENRY NEWBY, JR.

Case No: 4:04CR70039-001

USM No: 10458-084

Date of Previous Judgment: 12/15/2004

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

The Court imposed the statutory minimum sentence. Therefore, no further reduction is authorized.

Except as provided above, all provisions of the judgment dated 12/15/2004 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 12/01/2011

Effective Date: \_\_\_\_\_  
(if different from order date)
  
 Judge's signature

 Senior United States District Judge  
 Printed name and title